

### **REMARKS**

Claims 1 through 12 were presented for examination. Claims 1 through 7 were rejected and claims 8 through 12 were allowed. The applicants respectfully traverse the rejection and request reconsideration in light of the following remarks.

The applicant wishes to thank Examiners Nguyen and Callahan for their time and thoughtful comments during the interview at the USPTO on 17 June 2004.

#### **Information Disclosure Statement**

The PTO/SB/08A Information Disclosure Statement Form submitted by the applicants on 8 July 2003 was rejected by the Office for failing to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. The applicants herein submit an amended Form PTO/SB/08A and respectfully submit that it fully compliant with the law.

#### **35 U.S.C. 112, First Paragraph, Rejection of Claims 1-7**

Claims 1 through 7 were rejected under 35 U.S.C. 112, first paragraph, for failing to be enabled. The applicants respectfully traverse the rejection.

The applicants respectfully submit that the disclosure contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out their invention.

The Office contends that all of the elements in a differential structure must be recited in the claims because the use of the invention in the context of a differential structure is described in the disclosure. This, the applicants respectfully submit, is to confuse the concept of defining an invention with the concept of describing an invention, and, of course, it is the function of the claims is to define the invention, and not to describe the invention. To add the additional elements to the claims– as the Office suggests – would be to confuse the two concepts.

For this reason, the applicants respectfully submit that the rejection of claims 1 through 7 is traversed.

**35 U.S.C. 112, Second Paragraph, Rejection of Claims 1-7**

Claims 1 through 7 were rejected under 35 U.S.C. 112, second paragraph, for failing to particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. The applicants respectfully traverse the rejection.

The Office action states:

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 1-7 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the disclosure. In the disclosure, applicant has identified the invention is for improving the tuning range in a VCO circuit by using differential delay cells having the structure shown in Fig. 5 instead of using the differential delay cells having the structure known in the art (Figs. 2-5), and this identification indicates that the invention is different from what is defined in claims 1-7 because the differential feature of the delay cell is missing in these claims.

First, nowhere in the specification has the applicants stated that the differential amplifier is "the invention." On the contrary, the VCO delay cell and the differential amplifier described in the specification and depicted in the drawings is merely the illustrative embodiment of the invention. The applicants submit that the invention is defined in the claims, as currently pending, and that they fully comply with 35 U.S.C. 112.

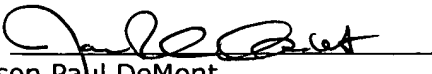
For this reason, the applicants respectfully submit that the rejection of claims 1 through 7 is traversed.

**Request for Reconsideration Pursuant to 37 C.F.R. 1.111**

Having responded to each and every ground for objection and rejection in the Office action mailed 4 April 2004, applicants request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

Should there remain unresolved issues the applicants respectfully request that Examiner telephone the applicants' attorney at 732-578-0103 x11 so that those issues can be resolved as quickly as possible.

Respectfully,  
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